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Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 January 1993]

HUMAN RIGHTS VIOLATIONS IN GUATEMALA

1. During 1992 there were more than a hundred reported extrajudicial executions in Guatemala and the incidence of harassment and intimidation, including death threats, increased significantly. In many cases, human rights violations were directly attributed to members of the security forces. In others, it was not clear who was responsible but the manner and circumstances of the violations suggested security force responsibility.

2. Human rights monitors came under attack throughout 1992. Victims included members of the Consejo de Comunidades Etnicas "Runujel Junam" (CERJ), Council of Ethnic Communities "We are all Equal", particularly its president, Amílcar Méndez Urízar. He and his family were threatened and harassed throughout the year. In November, he and Factor Méndez Doninelli, director of the Centro de Investigación, Estudio y Promoción de los Derechos Humanos (CIEPRODH), Centre for the Investigation, Study and Promotion of Human Rights, and Ronalth Ochaeta, Director of the Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG), Human Rights Office of the Archbishopric of Guatemala, were accused by President Jorge Serrano Elías and Minister of

Defence General José García Samayoa of "responding to the proposals of the URNG", Unidad Revucionaria Nacional de Guatemala, Guatemalan National Revolutionary Unit, and of "destroying the image of the country and making us look like savages ... The army doesn't torture and the Government doesn't torture".

3. In May, CIEPRODH's Chiquimula City delegate José Nerio Osorio was stabbed by two men on his way home, and CIEPRODH's delegates throughout the country also received threats. The indigenous leader Rigoberta Menchú received several death threats during her visits to Guatemala, as did many of those supporting her. Leaders and members of the Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA), National Coordinating Committee of Guatemalan Widows, also received death threats.

4. Those opposed to civil patrol service continued to be attacked. In April, Pedro Raguez died after he was stabbed and shot reportedly by two leaders of the army-controlled Patrullas de Autodefensa Civil (PAC), Civil Defence Patrols, in Xoljuyú, San Pedro Jocopilas, El Quiché, following intense harassment for his refusal to participate in the patrols. In May, CERJ member Esteban Tojín from Cruzché II, El Quiché department, reportedly "disappeared" in Guatemala City after receiving death threats from local civil patrollers. In August, the body of Catarino Chanchavac Larios from San Pablo hamlet, San Pedro Jocopilas was found in a cornfield, following numerous death threats for refusing to carry out civil patrol duty.

5. Trade unionists were also targeted. In March, Perfecto Us from the Sindicato de Trabajadores del Instituto Nacional de Electrificación, (STINDE), Electrical Workers' Union, was reportedly abducted briefly by armed men who beat him and threatened to kill him if he continued his union activities. In May, the young sons of Víctor Hugo Alvarez, STINDE's conflict secretary, were abducted for several hours by two unidentified men while walking home after school in Chimaltenango.

6. The internally displaced were also threatened and harassed. José Jiménez, a leader of the Consejo Nacional de Desplazados de Guatemala (CONDEG), National Council for the Displaced in Guatemala, in Huehuetenango department reported receiving threats in February from the local PAC leader who accused him of being a guerrilla. In August CONDEG member Marco Antonio Díaz was shot dead at his home in Crique Grande, Izabal department, by people who, according to neighbours, were local military commissioners.

7. Amnesty International is particularly concerned for the safety of around 2,770 refugees due to return from Mexico to the area of Polígono 14, Ixcán, department of El Quiché. This is adjacent to the area of Cuarto Pueblo, Ixcán, in which army units launched an aerial and land operation in late November and early December 1992. As a result, some 70 families resident in Cuarto Pueblo and Los Angeles, which reportedly came under heavy attack, are believed to have fled to Mexican territory. A total of 5,000 refugees were scheduled to return to Guatemala from Mexico on 13 January 1993.

8. Bombs exploded in the offices of the Asociación de Estudiantes Universitarios (AEU), University Students Association, of the University of San Carlos (USAC), in January and October. The October bombing followed death

threats against students involved in a law suit against the combined unit Hunapú, (made up of the National Police, the Treasury Police and the Mobile Military Police), for the killing of one student and the wounding of seven others in April. Six National and Treasury Police agents were charged and in November convicted in connection with the killings and woundings. No progress was made, however, in proceedings against the Mobile Military Police.

9. At least five students and four academics were apparently extrajudicially executed, and many subjected to death threats and intimidation. In February, history professor Manuel Estuardo Peña was shot dead outside his home by two men in plain clothes. He had worked with the displaced. He and his assistant at USAC, Pedro Us Soc, had received death threats in 1991. After Manuel Peña's death, Pedro Us Soc and his wife received further threats and went into hiding.

10. Teacher Maritza Urrutia was abducted in July by armed men whom she claimed were military agents, interrogated about her activities and threatened with the abduction of her son, aged four. She was released a week later and stated she had been threatened with reprisals against her family if she reported the incident.

11. Members of the press have been the object of extensive harassment and threats. In May Néstor Hernández, editor of Prensa Libre, left the country following death threats against him and an attempt on his father's life. The threats were believed to be linked to articles he had written concerning legal proceedings against an army lieutenant charged with the killing in September 1990 of anthropologist Myrna Mack. In December journalist Axel Cocón of the Agencia Guatemalteca de Noticias left the country in December following threats to his life. Also in December President Serrano criticized the press for staging a "smear campaign" against the Government on human rights matters. Days later a bomb exploded at the Guatemalan Journalists Association (APG), causing minor damage. The APG had earlier issued a communiqué rejecting the President's statements.

12. Torture and ill-treatment by the police were widely reported. In July a peaceful march by peasants from Cajolá, Quetzaltenango, was violently broken up by anti-riot police. Several peasants, including one pregnant woman, were beaten. The Director of the National Police denied the beatings, saying that the peasants had hit their heads against the policemen's sticks. Several weeks later, two Cajolá peasants were beaten as uniformed policemen reportedly tried to abduct them. Street children continued to be beaten, shot at and threatened, both by uniformed policemen and by civilians apparently working with them.

13. In some cases investigations or criminal proceedings were opened and there were arrests and convictions. For example, in April the four policemen convicted for the murder of 13-year-old street child Nahamán Carmona López, whose convictions had been overturned, were retried and again convicted. However, the majority of those responsible for human rights violations went unpunished and criminal proceedings, where they occurred, were often flawed and subjected to delays. Judicial officials, including appeal judges Mario Guillermo Ruiz Wong, Napoleón Gutiérrez Vargas and Héctor Hugo Pérez Aguilera, reported being threatened.

14. In the few cases referred to military courts, investigations and proceedings appeared to be irregular or subjected to delays. In September five soldiers from an army base in El Petén were sentenced to 30 years for the 1990 killing of United States citizen Michael Devine. However, the chief of intelligence at the base was acquitted despite consistent court testimony that he had ordered the killing.

15. Investigations into violations committed under previous Governments have still not been carried out despite repeated requests from relatives of victims. Once again, the 1991 bill for a national commission to investigate past "disappearances" failed to become law.

16. During 1992 Amnesty International has received fewer reports of "disappearances" than in recent years. In May, Guatemala acceded to the International Covenant on Civil and Political Rights. In September, Congress voted a new code of penal procedures, to become effective in 1993, which provides for trials in the defendant's own language, makes the Public Ministry responsible for criminal investigations, and grants the Human Rights Attorney and relatives of victims special facilities to conduct their own investigations into extrajudicial executions and "disappearances".

17. These are steps which may have some effect on the level of human rights violations occurring in Guatemala. However, the Government still needs to take decisive action to investigate past violations and to halt continuing violations. The scrutiny of the international community, particularly the Commission on Human Rights, is essential for real progress to be achieved for the protection of human rights in Guatemala.